

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

JUSTIN FASSNACHT

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendants.

Civil Action No.: 5:21-cv-269-JLS

ORDER

AND NOW, this ____ day of _____ 2021, it is herby

ORDERED that Defendant Home Depot U.S.A., Inc.'s Motion to Dismiss Plaintiff's Complaint, in part, is **GRANTED** and that Count Two of Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

**The Honorable Jeffrey L. Schmehl
United States District Judge**